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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

K.H., an individual

Plaintiff,

v.

Uber Technologies Inc., et al.,

Defendants

) Case No.: 3:24-cv-02840-CRB

) **PLAINTIFFS' NOTICE OF MOTION AND MOTION**
) **TO WITHDRAW AS COUNSEL; DECLARATION OF**
) **SARAH ANASTASI IN SUPPORT OF MOTION;**
) **AND [PROPOSED] ORDER**

) Date: September 27, 2024

) Time: 10:00 AM

) Courtroom 6

) Judge: Honorable Charles R. Breyer

MDL Related Case: 3:23-md-03084-CRB

PLEASE TAKE NOTICE that on the aforementioned date, time, and location or as soon thereafter as the matter may be heard, Counsel will hereby move this Court for an order granting the firm withdraw as representation for Plaintiff. This motion is made pursuant to Civil Local Rule 11-5 and is based on this Notice of Motion, the Memorandum of Points and Authorities, the Declaration of Sarah Anastasi in Support of the Motion, the proposed order filed herewith, and on any additional material that may be elicited at the hearing of the motion.

Dated: July 23, 2024

Respectfully submitted,

By: /s/ Sarah Anastasi

Sarah Anastasi, Esq.

Attorney for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction and Statement of Facts

Potter Handy, LLP (hereinafter referred to as “Attorney”), was retained by Plaintiff, K.H., to prosecute an action against the Defendants for a rideshare assault claim. (See Dec. ¶13) Irreconcilable differences have arisen between Attorney and the Plaintiff. The Plaintiff refuses to cooperate with counsel in either the prosecution or the settlement of this case. Plaintiff refuses to respond to any form of correspondence.

II. No Delay or Prejudice will be Caused by Relieving Counsel

According to Civil Local Rule 11-5, “[c]ounsel may not withdraw from an action until relieved by order of Court after written notice has been given reasonably in advance to the client and to all other parties who have appeared in the case.” The decision to grant or deny an attorney's motion to withdraw as counsel is committed to the sound discretion of the trial court. *LaGrand v. Stewart*, 133 F.3d 1253, 1269 (9th Cir. 1998).

As detailed above, Attorney and Plaintiff have irreconcilable differences concerning this case. In fact, there is no longer any kind of relationship existing. (See Dec. ¶14) Good cause, therefore, exists for allowing Attorney to withdraw as Attorney of Record for the Plaintiff.

No trial date is set, giving Plaintiff time to find new counsel. No delay or prejudice shall result from Attorney being allowed to withdraw as Plaintiff’s counsel. (See Dec. ¶15)

III. Conclusion

Attorney respectfully submits to this Honorable Court that good cause exists to allow Attorney to withdraw as counsel of record for Plaintiff, K.H.. There are irreconcilable differences between Plaintiff and Attorney as to how to prosecute this case and to attempt settlement.

Attorney respectfully requests, therefore, that this Honorable Court grant this Motion and allow Attorney to withdraw as counsel of record for Plaintiff, K.H..

Dated: July 23, 2024

Respectfully submitted,

By: /s/ Sarah Anastasi

Sarah Anastasi, Esq.

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

K.H., an individual

Plaintiff,

v.

Uber Technologies Inc., et al.,

Defendants

) Case No.: 3:24-cv-02840-CRB

) **DECLARATION OF SARAH ANASTASI IN**
) **SUPPORT OF MOTION TO WITHDRAW**

) Date: September 27, 2024

) Time: 10:00 AM

) Courtroom 6

) Judge: Honorable Charles R. Breyer

) **MDL Related Case: 3:23-md-03084-CRB**

1. I, the undersigned, am an attorney licensed to practice law by the State bar of California and admitted to the Central District of California. I am the one of the attorneys of record from Potter Handy, LLP, which represents Plaintiff, K.H., and, in that capacity, I am familiar with this matter.

2. I make this declaration based upon my personal knowledge and belief and if called to testify regarding these matters before this Court, would do so.

3. Potter Handy was retained by Plaintiff, K.H., to prosecute an action against the Defendants for a rideshare assault claim.

4. Potter Handy, LLP and Plaintiff have since developed irreconcilable differences. To preserve the attorney-client relationship, the undersigned cannot detail the substance of those differences. However, Plaintiff has refused to cooperate with Potter Handy LLP in the prosecution and/or settlement of this case, as they have refused to respond to any type correspondence.

5. If this motion is granted and Potter Handy LLP is allowed to withdraw as counsel of record for the Plaintiff, K.H., the Plaintiff will have ample time to retain new counsel to prosecute this matter and take it to trial, as the trial is not yet scheduled to commence.

1 6. The undersigned's Motion To Withdraw As Counsel, with the Memorandum of Points and
2 Authorities, this declaration and the proposed Order, have been served on K.H. by first-class mail,
3 postage prepaid, at their home address.

4 I declare under penalty of perjury under the laws of the State of California and the United
5 States of America that the foregoing is true and correct

6
7 Dated: July 23, 2024

Respectfully submitted,

8 By: /s/ Sarah Anastasi

9 Sarah Anastasi, Esq.

10 Attorney for Plaintiff
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